

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH KINNEARY,

Plaintiff,

- against -

CITY OF NEW YORK,

Defendant.
-----X

VICTOR MARRERO, United States District Judge.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/1/07

04 Civ. 5183 (VM)

ORDER *LSURGENT*

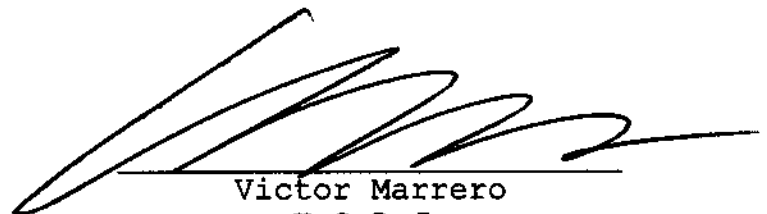
#02,1883

On September 28, 2007, a unanimous eight-member jury rendered a verdict in favor of plaintiff Joseph Kinneary ("Kinneary") against defendant City of New York (the "City") on his claims of discrimination on the basis of disability in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., the New York State Human Rights Law, N.Y. Exec. Law § 296 et seq., and the New York City Human Rights Law, N.Y. Admin. Code § 8-107. The jury awarded Kinneary \$100,000 in back pay and \$125,000 in non-economic damages.

The Clerk of the Court is directed to file the jury verdict sheet in the record of this action.

SO ORDERED.

Dated: New York, New York
September 28, 2007


Victor Marrero
U.S.D.J.

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**

United States District Court
Southern District of New York

Joseph Kinneary

-against-

City of New York

Docket No. 04 Civ 5183 (VM)

Judge Victor Marrero
(USDJ) USMJ

full title of case REQUIRED, if necessary use other side

For Plaintiff: Ambrose Waterson, Victor Antonio Dunlop

For Defendant: Patricia Miller, Cindy Switzer

Trial (Jury) (Non-Jury) Begun : 9/24/07
(date)

Jury empaneled and sworn - 9/24/07.

9/25/07 Trial cont'd. 9/26/07 Trial continued.

9/27/07 Trial cont'd. Plaintiff dismisses claims

against Delt Tazzi. Plaintiff dismisses Rehabilitation

Act claims against all defendants. Court grant Delt's

motion to dismiss claims against Delt's Rottstein & Campbell.

9/28/07 Trial cont'd. Jury finds in favor
of plaintiff in the amount of \$225,000.00.

An Extract of Minutes

Clerk Elliot Greenfield
Court Reporter Sheri Greenbaum

if necessary please use other side

JOSEPH KINNEARY v. CITY OF NEW YORK
04 CV 5183

JURY VERDICT SHEET

Considering the elements in the Court's instructions with regard to liability, and weighing the parties' respective presentations of evidence, the jury answers the questions below as follows:

I. LIABILITY

A. CLAIM 1 - AMERICANS WITH DISABILITIES ACT (ADA)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the Americans with Disabilities Act (ADA)?

Yes ✓ No

B. CLAIM 2 - STATE HUMAN RIGHTS LAW (NYSHRL)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the New York State Human Rights Law (NYSHRL)?

Yes ✓ No

C. CLAIM 3 - CITY HUMAN RIGHTS LAW (NYCHRL)

With regard to plaintiff Joseph Kinneary's claim of employment discrimination, do you find that Mr. Kinneary has proven by a preponderance of the evidence that defendant City of New York is liable for discrimination on the basis of disability under the New York City Human Rights Law (NYCHRL)?

Yes ✓ No

II. DAMAGES

Complete this section only if you have found liability on one or more of the claims in Part I.

Considering the elements described in the Court's instructions with regard to compensatory damages in all forms set forth, what amount of such damages, if any, do you find Joseph Kinneary has proven by a preponderance of the evidence that he has suffered and that you award?

1. Back Pay \$ 100,000
2. Non-Economic \$ 125,000

Foreperson's Name (Print)

ROBIN CARATHANASIS

Foreperson's Signature:

Robin Carathanasis

Date:

09.28.07